



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

7 6 DEC 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Article No: 7001 0320 0002 5013 5674

Mr. Kyle Pattison, Owner
Pattison Sand Company, LLC
701 1st Street
Clayton, Iowa 52049

Re: Pattison Sand Company, LLC
Industrial Stormwater Inspection
NPDES Permit No. IA-13256-13044 and IA-0080624
Request for Information Pursuant to Section 308 of the Clean Water Act

Dear Mr. Pattison:

On April 23, 2015, a representative of the U.S. Environmental Protection Agency inspected your facility. The inspection was conducted under the authority of Section 308 of the Clean Water Act. A copy of the inspection report was sent to you on August 17, 2015.

The EPA is investigating the unauthorized placement of dredged or fill material into waters of the United States that occurred on your property. Specifically, during the inspection, our inspector noted that approximately 2,038 linear feet of an unnamed tributary (identified as Outfall 002) had been filled, and the flow had been diverted to a roadside ditch located east of the new haul road. He observed that the unnamed tributary which forms Outfall 005 was covered with large rocks approximately forty to fifty yards upstream from the 005 sampling point. In addition, he noted that several sediment basins had been constructed within tributaries.

Because these fill activities occurred in "waters of the U.S.," they are potential violations of Section 404 of the Clean Water Act. The EPA is requesting that you provide additional information concerning these fill activities. The EPA is also requesting additional follow-up materials as they pertain to your stormwater permit.

The EPA is authorized to request this information pursuant to section 308(a) of the CWA, as amended, 33 U.S.C. §1318(a). Please provide the information requested below as clearly and completely as possible within fourteen days of receipt of this letter.

1. Provide copies of any Section 404 permits, letters of authorization, or any other correspondence you have received from the U.S. Army Corps of Engineers or other government agencies for the placement of dredge or fill materials into waters of the U.S., relocation of tributaries, and/or construction of stormwater basins or other stormwater control measures within waters of the U.S.



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2. Provide information on any additional work that has been conducted in other tributaries within your property since the EPA inspection on April 23, 2015. Include location information, dates, linear feet of tributary impacted, maps, and a description of work completed.
3. Provide the names and addresses of any and all parties, including contractors, which placed fill material in tributaries within your property.
4. Provide the dates in which "shot rock" was placed in each of the tributaries, and the dates in which the unnamed tributary was filled in for the construction of the haul road.
5. Provide copies of documents related to any agreement and/or arrangement between you and/or your contractors with these parties to place fill material in the above-referenced location, including, but not limited to, contracts, invoices, work plans, and/or correspondence.
6. Provide a complete copy of the current SWPP, including a site map.
7. Provide the date you requested that your stormwater permit be amended by the Iowa Department of Natural Resources, a copy of the amendment request, and copies of any supporting materials submitted to IDNR.

As stated previously, your response to this information request must be submitted to the EPA within fourteen days of your receipt of this letter. Your response to this request must be accompanied by the attached certificate. The certificate must be signed and dated by you and notarized by a certified public notary.

Send the requested information to:

U.S. EPA Region 7
ATTN: WWPD/WENF, Delia Garcia, Ph.D.
11201 Renner Blvd.
Lenexa, KS 66219

The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. The facility may assert a business confidentiality claim with respect to part or all of the information submitted to the agency under the provisions of 33 U.S.C. § 1318 and 18 U.S.C. § 1905. The agency will consider and process such a request pursuant to such statutes and the agency regulations at 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the agency, it may be made available to the public by the agency without further notice to the facility. Please note that pursuant to 40 C.F.R. Part 2.302, effluent data, as defined therein, is not eligible for confidential treatment.

Although the EPA requests your assistance, your response to these questions is mandatory. Section 309 of the CWA provides civil penalties of up to \$37,500 per day of violation for failing to provide information required under Section 308 of the CWA and criminal penalties for knowingly making a false statement under Section 308.

If you have questions regarding this request, please contact Dr. Delia Garcia at 913-551-7262, or at garcia.delia@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Karen A. Flournoy', with a stylized flourish at the end.

Karen A. Flournoy
Director
Water, Wetlands and Pesticides Division

Enclosure

cc via electronic copy: Ted Peterson, IDNR
Joe Sanfilippo, IDNR

STATEMENT OF CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

Signature

Date

Printed Name

Official Title

